



**USAID**  
FROM THE AMERICAN PEOPLE

**PAKISTAN**

March 8, 2017

SENSITIVE BUT UNCLASSIFIED

TO: Craig Buck, Deputy Mission Director

THROUGH: Cynthia Rogers, Director of Office of Executive Management

FROM: Robert Birkenes, Director, Office of Program Management

SUBJECT: **JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION (J&A) FOR EXECUTION OF A PERSONAL SERVICES CONTRACT**

**1. This document sets forth the facts and rationale justifying the use of other than full and open competition, in accordance with AIDAR 706.302-70(b)(5):**

This document was prepared by Program Office Director of the Office of Program Management (OPM), for the renewal of a United States Personal Services Contract (USPSC), issued to an off-shore-hired Development Assistance Specialist (Mission Environment Specialist) in OPM.

**2. The nature and/or description of the action being approved:**

This is a request to approve a renewal of the Contract # AID-391-S-15-00016, issued to an off-shore-hired USPSC. The proposed period of performance is twenty six (26) months, from August 31, 2017 through October 31, 2019, with the estimated cost of the contract being \$500,000.00.

**3. Description of the supplies or services required, including an estimated value:**

During the course of this 26-month contract, the Contractor will provide services as OPM's Development Assistance Specialist (Mission Environment Specialist); serve as a senior expert on project design teams, advise leadership on USAID policies and procedures, and provide multi-sector technical input to inform upcoming activity designs.

As the Mission Environmental Officer, the Contractor will be responsible for overseeing environmental compliance of the Mission's multi-billion dollar portfolio, supervise one Foreign Service National, provide guidance on the preparation of environmental compliance documents, such as Initial Environmental Examinations and Environmental Assessments, as well as monitoring and reporting on environmental compliance.

The Contractor also will supervise two gender technical specialists. In this capacity, the contractor will be responsible for gender integration throughout the Mission's portfolio.

#### **4. Statutory authority permitting other than full and open competition:**

In accordance with AIDAR 706.302-70

*“(a) Authority*

*(1) Citation: 40 U.S.C. 474*

*(2) Full and open competition need not be obtained when it would impair or otherwise have an adverse effect on programs conducted for the purposes of foreign aid, relief, and rehabilitation.”*

Following the ADS 309.3.1 d (3) that states:

*(a) “The CO must not modify a PSC award when a proposed action triggers competition requirements. Competition is required for modifications of existing contracts if there is a cardinal change to the contract, such as an increase to the total estimated amount of the award, a change to the Statement of Duties, an extension of the period of performance, or a change to salary, benefits or allowances outside the terms and conditions of the current contract. This does not include annual performance-based and pay comparability salary increases, or other administrative changes,”*

*(b) “If cardinal changes are needed, the market value for the position must be re- established and re-competed in accordance with this ADS chapter, to ensure that the “new” requirement is appropriately approved and competition is maximized. If the new requirement is not open to competition, the CO must request approval of a Justification and Approval (J&A) in accordance with FAR Part 6 and AIDAR 706 (see 309.3.2.5 and 309.3.3.5)”.*

The OPM Director proposes to close the current contract # AID-391-S-15-00016 on completion of its period of performance on August 31, 2017 and requests the Contracting Officer to renew the contract with the same person, at the same Mission with the same Scope of Work under this J&A.

#### **5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition that requires use of the authority cited:**

The Contractor is a development professional with nearly 30 years of experience managing complex, multi-million dollar agriculture and natural resources management projects in developing, conflict, and post-conflict countries. The Contractor has served in senior management, and in advisory roles at six USAID Missions (Barbados, Jamaica, Iraq, Nigeria, Rwanda, and Pakistan), representing USAID in negotiations involving complicated policy, technical, and contractual issues. His invaluable services are without parallel among the U.S. Direct Hires who have recently applied for positions in the Mission. As an expert on environment and climate change related issues and his unique qualifications and highly specialized services, he will serve as advisor to the Mission's CDCS steering committee and

will be responsible for the preparation of the mandatory Tropical Forestry and Biodiversity, and Climate Risk Assessments.

With his current breadth and depth of experience, he is uniquely qualified and best positioned to provide expert counsel and highly specialized services to the Mission in the areas of strategic planning, project/activity design, environmental compliance, and gender integration. These aforementioned duties required by OPM are within the scope of work of the Development Assistance Specialist.

This contract is in the best interest of USAID/Pakistan as it meets a critical need for the Mission and provides exceptional financial value to the U.S Government. He can immediately provide essential assistance to the Mission, specifically to OPM-managed activities as per the position description under a 26-month USPSC. His security and medical clearances are also current and therefore will only need to be revalidated. Please see attached copies of the OF-612 that the Contractor has provided which outlines his work experience and qualifications for this position.

**6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by Federal Acquisition Regulation (FAR) 5.202 [AIDAR 705.202].**

The position of Development Assistance Specialist was fully competed in July 2014 against Solicitation # SOL-391-14-000049. Following the Solicitation the Contractor was hired for two years with the option to extend the contract for three additional years depending on the needs of service, upon mutual agreement and subject to satisfactory performance and availability of funds.

In accordance with FAR 5.102(a)(5)(iii), *Contracting Officers (CO) do not need to publicize solicitations for extensions or renewals of USPSCs with the same individual for continuous services at the same mission when the authority in AIDAR 706.302-70(b)(5) is used. However, when using this publicizing exception the CO must:*

- (i) *Prepare a J&A in accordance with FAR 6.303, and make the J&A publicly available within 14 days of contract award through the GPE ([www.fedbizopps.gov](http://www.fedbizopps.gov)) as required in FAR 6.305; and follow the other requirement in AIDAR 706.302-0(c);*

The position for which the Contractor was originally hired was synopsisized and published on FedBizOps and in Agency Notice (copy attached), thereby fulfilling the exception requirements of FAR 5.102. Three one-year option years to the contract was indicated in the solicitation # SOL-391-14-000049. This J&A will be publicized on FebBizOps following the above given guidance.

**7. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable:**

Appendix D of the AIDAR applies to all PSCs with U.S. citizens or U.S. resident aliens to provide assistance abroad under Section 636(a)(3) of the FAA. PSC positions are classified based on the General Service (GS) schedule to determine what the USAID considers to be the market value and salary range of the PSC position. This position was classified at a GS-14 level and the incumbent's salary was determined based on the prevailing market rates for the position along with his salary history thus ensuring that the anticipated costs to the Government are fair and reasonable. A budget analysis has been performed for the renewal of the contract and USAID/Pakistan has adequate funding to cover the expense.

**8. Description of the market research conducted, and the results or a statement of the reasons market research was not conducted:**

As indicated in paragraph 7 above, the incumbent's salary was determined based on the prevailing market rates for the position along with his salary history. The anticipated costs of this contract also have been compared with the prevailing market rates for similar services.

**9. Other facts supporting the use of other than full and open competition:**

In 2014, the US/PSC position of Development Assistance Specialist was classified as GS-14 grade level. The solicitation was publicized as such and opened to all qualified applicants. The classification of the position has not changed and the salary for a GS-14 remains fair and reasonable. The incumbent is immediately available to fulfill the continuing needs of the Agency. USAID/Pakistan has a continuing and immediate need for the services that are performed under this contract.

**10. Sources, if any, that expressed an interest, in writing, in the acquisition:**

No other source expressed interest in this activity because there is an exception to the requirement to publish this action.

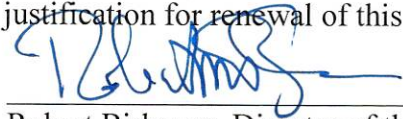
**11. The actions the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:**

This USPSC will be for a 26-month period only. Any future acquisitions for a long-term Development Assistance Specialist or similar position will be analyzed individually and solicited in accordance with the competition requirements identified in the ADS and AIDAR.

The renewal of the USPSC for 26 months will allow sufficient time to fill the full-time US Direct hire position to oversee the gender team. During this time it will be ensured that there is sufficient overlap with the employee for continuity. It is planned that the Contractor will orient and offer capacity building to the direct hire staff and also build capacity and orient the current and new staff as the Mission phases-out the position of the Development Assistance Specialist (Mission Environment Specialist) in 2019.

**12. Technical or requirement personnel certification:**

I hereby certify that the technical statements included above, and which form a basis for the justification for renewal of this USPSC are complete and accurate.



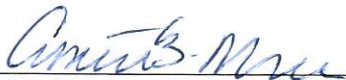
Robert Birkenes, Director of the  
Office of Program Management

10 MAR 2017

Date

**13. Contracting Officer Certifications:**

I hereby certify that the justification is accurate and complete to the best of my knowledge and belief.

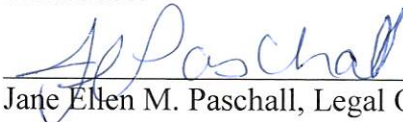


Cynthia Rogers, Director of the  
Office of Executive Management

3/14/17

Date

**14. Clearance:**



Jane Ellen M. Paschall, Legal Officer

3/15/17

Date

**15. Approval:**



Craig Buck, Competition Advocate

3-21-2017

Date